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Remarks

Reconsideration of this application is respectfully requested in view of the foregoing amendments and the following remarks.

The Examiner has rejected claims 19-22, 24, 26, and 27 under 35 U.S.C. 103(a) as being unpatentable over Nellesen et al in view of Nelson.

In response, claim 19 has been amended to state that the intermediate ink layer is applied using a screen print process.

Thus, both claims 19 and 22 include the following features:

- 1) the use of an adhesive repellant base medium and a transfer adhesive;
- 2) the application of a reflection ink directly on to a transfer adhesive.

In contrast, Nellesen alone discloses the coating of a surface with a reflection ink containing metal-coated glass

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microspheres, followed by a drying and an etching step. The etching step serves to remove the thin metal layer from the surface of the glass particles raised above the ink layer surface. (See FIGS. 1-3 of Nellesen).

Accordingly, the Examiner has combined Nellesen with Nelson.

To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. See MPEP 2143, and also In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). See Also In Re Fine, 837 F.2d 1596, 1598-99 (Fed Cir. 1988).

It is respectfully submitted that the prior art references do not teach all of the claim limitations.

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First, Nellessen does not disclose the use of an adhesive repellent base medium and a transfer adhesive. Second, Nellessen does not disclose the application of a reflection ink directly onto a transfer adhesive.

In addition, Nelson, unlike the present invention as claimed in claims 19 and 21, utilizes a white opaque support made from plastic, the rear of which is coated with an adhesive, while the colored ink is printed on the front surface. Thus, the color layer (25) and the adhesive 14 are not in direct contact with each other, but are instead separated by a plastic substrate. In contrast, with the present invention, as claimed in claims 19 and 22, the color layer is applied directly to the transfer adhesive.

The present invention as claimed in claims 19 and 22 differs further from Nelson in that the ink layer contains a multitude of reflection particles which are raised on the surface of the ink layer upon drying of the ink layer as claimed in both claims 19 and 22.

Therefore, it is respectfully submitted that the combination of Nellessen and Nelson would not arrive at the features of the

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present invention as claimed in claims 19 and 22. Claims 20, 21, and 23-27 depend from claims 19 and 22. Therefore, it is respectfully submitted that these claims are patentable as well.

Because of the inherent differences between the present invention and both patents, and the inherent differences between both Nellessen and Nelson, it is respectfully submitted that it would not be obvious to combine, and it is respectfully submitted that there is no suggestion to combine the two references together.

The structure and methodology of Nellessen is designed to create retroreflective signs as stated in column 2, lines 43-45. The structure and methodology of Nelson is designed to create a see-through, one-way panel. This see through panel has perforations 16 disposed therein to allow a user to see through one side. It is respectfully submitted that the process for making a reflective sign is substantially different from the process for making a one-way see through panel. This is because the reflective sign does not need any perforations.

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It is further respectfully submitted that there can be no reasonable expectation of success when combining the references to arrive at the present invention because even after the combination of these references, not all of the features or limitations are taught. Therefore, claims 19 and 22 are patentable as well.

The Examiner has rejected claims 23 and 25 under 35 U.S.C. 103(a) as being unpatentable over Nellessen et al in view of Nelson as applied to claim 19 and 22 above and in further view of LaPerre.

It is respectfully submitted that the combination of Nellessen and Nelson would not make the invention as claimed in claims 19 and 22 obvious for the reasons cited above. In addition, because according to LaPerre, the transfer has to be transparent from both sides, whereas Nelson teaches a one-way see-thru panel. Thus, it is respectfully submitted that there would be no motivation to combine the references of Nellessen, Nelson and LaPerre together to arrive at the invention as claimed in claims 23 to 25.

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Therefore, it is respectfully submitted that the currently amended claims and the previously presented dependent claims are patentable over the above rejections and the above cited patents taken either singly or in combination.

In addition, new claims 28-29 and 31-33 are being added. These new claims are directed towards the additional step of transferring these elements via a screen print process and then transferring the reflection transfer to a textile via a transfer press. Support for this amendment can be found in the specification, for example on page 2, lines 1-5.

In conclusion, claims 1-18 have been canceled without prejudice. Claims 19 and 22 have been amended. Claims 20, 21, and 23-27 remain in the application and claims 28-31 have been added. Accordingly early allowance of the remaining claims is

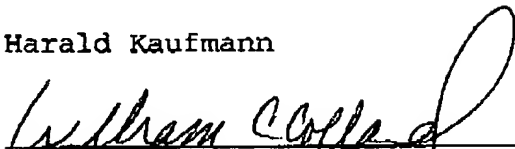
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respectfully requested.

Respectfully submitted,

Harald Kaufmann

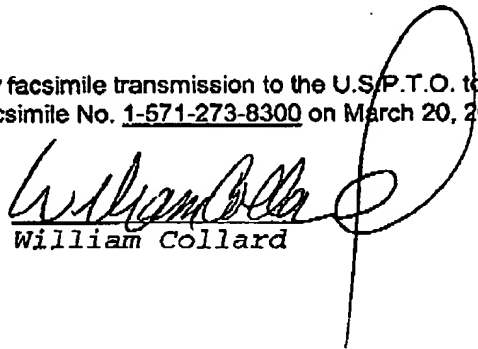
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Enclosures: Petition for 1 month extension of time.

I hereby certify that this correspondence is being sent by facsimile transmission to the U.S.P.T.O. to Patent Examiner M. Crenshaw at Group No. 2854, to facsimile No. 1-571-273-8300 on March 20, 2006.

  
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